

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



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Application of the PACIFIC GAS AND ELECTRIC
COMPANY for Approval of 2008-2020 Air
Conditioning Direct Load Control Program

Application No. 07-04-009

NOTICE OF INTENT TO CLAIM COMPENSATION



August 9, 2007

Nina Suetake, Staff Attorney

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NOTICE OF INTENT TO CLAIM COMPENSATION

Pursuant to Section 1804(a) of the Public Utilities Code (Code), The Utility Reform Network (TURN) hereby provides its notice of intent (NOI) to claim compensation in this proceeding. TURN requests a finding that it is a customer as defined in the PU Code, a finding of significant financial hardship, and a ruling that it is eligible for compensation. A prehearing conference was held on July 10, 2007. This notice is timely filed within 30 days of that prehearing conference, consistent with Section 1804(a) of the Public Utilities Code.

TURN is a non-profit consumer advocacy organization with a long history of representing the interests of residential and small commercial customers before this Commission. TURN's articles of incorporation specifically authorize its representation of residential customers. Therefore, TURN requests a ruling finding that TURN is a "customer" as defined in Section 1802(b) of the Code.¹

Section 1804(a)(2) of the Code sets forth three potential topics, two of which must be addressed and one of which may be addressed in a notice of intent. Furthermore, D.98-04-059, issued in the Commission's intervenor compensation rulemaking R.97-01-009/I.97-01-010, states that the Commission will use the notice of intent to make a preliminary determination as to whether or not the intervenor represents interests that, if not for the availability of compensation, would be "underrepresented" in the proceeding. Each of these subjects will be

¹ In D.98-04-059, the Commission directed intervenors to state in their NOIs which of three customer "categories" they fall within. TURN is a "group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential ratepayers." The decision also requires groups such as TURN to include in their NOIs a copy of the authorization in their articles of incorporation to represent residential customers, or to provide a reference to a previous filing. D. 98-04-059, p. 30. TURN provided the relevant portion of our articles of incorporation in the NOI submitted in A.98-02-017, and again in A.99-12-024. The articles of incorporation have not changed since the time of those earlier submissions. Finally, D.98-04-059 directs groups such as TURN to indicate the percentage of their members that are residential ratepayers. *Id.*, FOF 12. TURN has approximately 25,000 dues-paying members, and we believe that the vast majority are residential ratepayers. TURN does not poll our members in a manner that would allow a precise percentage breakdown between residential and small business members.

addressed below. Based on the information provided, TURN requests that the Commission find that TURN is eligible for compensation in this proceeding.

(1) Section 1804(a)(2)(A)(i). A statement of the nature and extent of the customer's planned participation in the proceeding as far as it is possible to set it out when the notice of intent is filed.

The Scoping Memo, issued on July 17, 2007, identified four overarching categories,² with multiple issues within each category, that will be considered in this proceeding. TURN anticipates participating in all four of these categories of issues. TURN's overall interest is in ensuring that PG&E's AC cycling program is cost-effective for residential ratepayers and results in actual demand response benefits. TURN is also concerned with the ability to coordinate this AC cycling program with CAISO requirements as well as with PG&E's Advanced Metering Initiative and existing Critical Peak Pricing programs.

(2) Section 1804(a)(2)(A)(ii). An itemized estimate of the compensation that the customer expects to request, given the likely duration of the proceeding as it appears at the time.

Given the scope of this proceeding, TURN provides the following table as the likely amount that will be requested for compensation, using approved 2007 rates for illustration purposes only:

| Attorney/Category | Estimated Hours | Hourly Rate | Estimated Cost |
|--------------------------|------------------------|--------------------|-----------------------|
| Nina Suetake | 100 | 210 | \$21,000 |
| Marcel Hawiger | 10 | 300 | \$3000 |
| Consultant Expenses | 100 | 165 | \$16,500 |
| Other Direct Expenses | | | \$2000 |
| TOTAL | | | \$42,500 |

² Categories include: AC Program and Design, Cost and Cost Recovery, Coordination with Other Programs, Initiatives, Resources, and Reporting and Design Changes.

The actual amount of any future request for compensation will depend upon the Commission's ultimate decision in this case. The reasonableness of the hourly rates requested for TURN's representatives will be addressed in our Request for Compensation.

- (3) Section 1804(a)(2)(B). The notice of intent may also include a showing by the customer that participation in the hearing or proceeding would pose a significant financial hardship. Alternatively, such a showing shall be included in the request submitted pursuant to subdivision (c).**

TURN submitted a demonstration of financial hardship in a Notice of Intent filed in Investigation 06-06-014. On November 11, 2006, Assigned Administrative Law Judge Barnett found that TURN met the burden of showing significant financial hardship.

Section 1804(b)(1) states, in part, "a finding of significant financial hardship shall create a rebuttable presumption of eligibility for compensation in other commission proceedings commencing within one year of the date of that finding." Since this proceeding commenced within one year of November 11, 2006, TURN requests that the rebuttable presumption apply here.

TURN does not anticipate any challenge to its eligibility for compensation in this proceeding. If any party does attempt to rebut the presumption of eligibility, however, TURN requests that it be granted the opportunity to reply to such party's allegations within 10 days after the service of such filing.

- (4) D.98-04-059: A showing that TURN represents interests that, if not for the availability of intervenor compensation, would be underrepresented in this proceeding.**

As discussed above, the Commission stated that it will make a preliminary determination based on the NOI whether an intervenor represents interests that, if not for the availability of compensation, would be underrepresented in the proceeding. (D.98-04-059, mimeo, at 27).

PG&E proposes that its AC cycling program be open to residential customers and small commercial and industrial customers. While DRA will both residential and small commercial

ratepayers in this proceeding, TURN will focus solely on protecting the interests of residential ratepayers. It is likely that TURN and the DRA may have different, though complementary, positions on some of the issues in this proceeding. In addition, it is likely that TURN may present modifications to PG&E's proposal that differ from DRA's treatment of the proposal.

CONCLUSION

Based on the information submitted above, TURN submits that it has met all of the requirements of Section 1804(a) and requests that the Assigned Administrative Law Judge issue a ruling finding TURN eligible for compensation in this proceeding. Section 1804(b)(1) provides that when the showing of financial hardship is included in the notice of intent to claim compensation, the administrative law judge will issue a preliminary ruling within 30 days addressing whether the customer will be eligible for an award in the proceeding. Of course, a finding of eligibility in no way ensures compensation [Section 1804(b)(2)].

August 9, 2007

Respectfully submitted,

/S/

Nina Suetake, Staff Attorney

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VERIFICATION

I, Nina Suetake, am an attorney of record for THE UTILITY REFORM NETWORK in this proceeding and am authorized to make this verification on the behalf of TURN. The statements in the foregoing document are true of my own knowledge, except for those matters which are stated on information and belief, and as to those matters, I believe them to be true.

I am making this verification on TURN's behalf because, as the attorney in the proceeding, I have unique personal knowledge of certain facts stated in the foregoing document.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 9, 2007, at San Francisco, California.

/S/
Nina Suetake
Staff Attorney

CERTIFICATE OF SERVICE

I, Larry Wong, certify under penalty of perjury under the laws of the State of California that the following is true and correct:

On August 9, 2007 I served the attached:

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on all eligible parties on the attached lists to **A.07-04-009**, by sending said document by electronic mail to each of the parties via electronic mail, as reflected on the attached Service List.

Executed this August 9, 2007, at San Francisco, California.

_____/S/_____

Larry Wong

Service List for A.07-04-009

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